

REMARKS

Amendment to claim 32 is to change claim dependency. No new matter has been added.

Claims 1-3, 6-13, 21-25, 27-34, 39-42, and 46-55 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,950,493 (Besson).

Claim 1

Claim 1 recites a *disk* located within the cavity, the disk having a first target material and a second target material. Besson does not disclose or suggest such disk. Rather, Besson discloses steering a tube electron-beam from one track to the next (see column 21, lines 52-57), and does not mention anything regarding a disk having first and second target materials. For at least the foregoing reason, claim 1 and its dependent claims are believed allowable over Besson.

Claim 1 also recites a first target material that corresponds with a first portion of a radiation filter, and a second target material that corresponds with a second portion of the radiation filter. As such, the claimed first and second target materials have *a one-to-one corresponding relationship* with the first and second portions of a filter. Applicant agrees with the Examiner that Besson does not disclose these limitations. According to pages 2 and 7 of the Office Action, column 47, lines 11-38, and column 10, lines 60-65 of Besson allegedly imply these limitations. However, column 47, lines 11-38 of Besson merely disclose obtaining a spectrum using x-ray techniques, filtration, and anode target material. There is nothing in the cited passage of Besson that discloses or suggests a first filter portion and a second filter portion that form *a one-to-one correspondence* with a first target material and a second target material, respectively.

Notably, the newly cited passage (column 10, lines 60-65) of Besson also does not disclose or suggest such one-to-one correspondence between first and second filter portions, and first and second target materials, respectively. In particular, this passage discloses:

Other such techniques are to vary X-ray tube electron beam current, the X-ray tube target material selection, the X-ray focal-spot geometry, and/or the X-ray filtering by filter 152 or other filters in paths 132. These techniques may be employed individually or cooperatively at the same time.

As such, the cited passage of Besson merely states that different techniques (for obtaining different X-ray spectrums) may be used together, and does not specifically describe that the target material selection is used specifically with the filtering technique.

Even if the cited passage somehow suggests that the target material selection is specifically used with the filtering technique (which is not true), the cited passage still does not disclose or suggest first and second target materials that correspond to first and second filter portions, respectively (i.e., forming a one-to-one relationship). For example, two target materials (T1, T2) may be used with two filters (F1, F2) to generate three spectrums (S1, S2, S3) as follows: S1 is generated using T1 and no filter; S2 is generated using T2 with filter F1, and S3 is generated using T2 with filter F2. However, in this example, the two target materials do not correspond with the two filters, respectively (i.e., have no one-to-one corresponding relationship). As such, a mere disclosure of different target materials and filter portions does not automatically necessitate a finding that the reference suggests first and second target materials that correspond with respective first and second target materials. Applicants respectfully note that a disclosure of a general technique by a reference does not necessitate a finding that a specific implementation of the technique is disclosed or suggested by the reference.

For this second reason, we believe that claim 1 and its dependent claims are allowable over Besson.

Claims 21 and 39

Claim 21 recites applying a first filter factor to the first x-ray radiation to obtain a first filtered radiation, and applying a second filter factor to the second x-ray radiation to obtain a second filtered radiation. Claim 39 recites that the first radiation filter is adapted to receive a

first radiation generated using the first target material, and the second radiation filter is adapted to receive a second radiation generated using the second target material. As similarly discussed with reference to claim 1, Besson does not disclose or suggest these limitations. For at least the foregoing reasons, claims 21 and 39, and their respective dependent claims, are believed allowable over Besson.

Claim 31

Claim 31 recites that *the collection* of the first and the second sets of image data *is synchronized with positions* of the first and the second filters (Emphasis Added). Besson does not disclose or suggest such limitation. According to the Office Action, column 4, lines 39-64 allegedly disclose the above limitation. However, the cited passage merely describes a process of obtaining multi-spectral data, and does not mention anything about first and second filters, nor does the cited passage mentions anything regarding the positions of these filters, much less, synchronizing a collection of sets of image data with the positions of the filters. For these additional reasons, claim 31 is believed allowable over Besson.


CONCLUSION

If the Examiner has any questions or comments, please contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. **50-2518**, referencing billing number **7036492002**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. **50-2518**, referencing billing number **7036492002**.

Respectfully submitted,

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